

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

SCOTT EDWARD SATTLER II,

Plaintiff,

V.

THE UNITED STATES OF AMERICA,

Defendant.

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1-15-CV-690 RP

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is Plaintiff's First Amended Complaint (Clerk's Dkt. #4). The complaint was referred to United States Magistrate Judge Andrew Austin for a Report and Recommendation on the merits pursuant to 28 U.S.C. § 636(b), Rule 72 of the Federal Rules of Civil Procedure, and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, as amended. Magistrate Judge Austin filed his Report and Recommendation on September 10, 2015 (Clerk's Dkt. #6), recommending the Court dismiss Plaintiff's complaint with prejudice as frivolous pursuant to 28 U.S.C. § 1915(e)(2).

Pursuant to 28 U.S.C. § 636(b) and Rule 72(b) of the Federal Rules of Civil Procedure, a party may serve and file specific, written objections to the proposed findings and recommendations of the Magistrate Judge within fourteen days after being served with a copy of the Report and Recommendation, and thereby secure a de novo review by the district court. A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a Report and Recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. See *Douglass v. United Services Auto Ass 'n*, 79 F.3d 1415 (5th Cir. 1996) (*en banc*).

Plaintiff was properly notified of the consequences of a failure to file objections. He sought

and was granted an extension of time to file his objections to the Report and Recommendation until October 30, 2015. To date, Plaintiff has not filed objections to the findings of fact and conclusions of law in the Report and Recommendation. The Court, having reviewed the entire record and finding no plain error, accepts and adopts the Report and Recommendation of the magistrate judge for substantially the reasons stated therein.

Accordingly, the Court **ORDERS** that the Report and Recommendation of the United States Magistrate Judge (Clerk's Dkt. #6) is **APPROVED AND ACCEPTED**.

The Court finally **ORDERS** that Plaintiff Scott Edward Sattler, II's complaint is **DISMISSED WITH PREJUDICE** as frivolous pursuant to 28 U.S.C. § 1915(e).

SIGNED on November 9, 2015.



ROBERT L. PITMAN
UNITED STATES DISTRICT JUDGE